

Message Text

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ACTION L-03

INFO OCT-01 IO-10 ISO-00 AF-06 ARA-06 EA-07 EUR-12 NEA-10

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USIA-06 TRSE-00 XMB-02 OPIC-03 SP-02 CIEP-01 LAB-04

SIL-01 OMB-01 DODE-00 PM-04 H-02 NSC-05 PA-01 PRS-01

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E.O. 11652: N/A

TAGS: UN, PFOR, ILC, EGEN

SUBJECT: UNGA LEGAL COMITE: REPORT OF INTERNATIONAL LAW

COMMISSION (ILC) ROMULO PROPOSAL

SUMMARY. DURING LEGAL COMITE MEETING 23 OCT ON REPORT OF ILC, PHILIPPINE STATEMENT (FULL TEXT POUCHED L-DALTON) WAS DELIVERED BY FONMIN ROMULO WHO PROPOSED ILC SHOULD PREPARE LEGALLY ENFORCEABLE TEXT ON ECONOMIC RIGHTS AND DUTIES OF STATES. END SUMMARY.

1. ROMULO STATED ILC SHOULD TAKE INTO ACCOUNT NEW INTERNATIONAL ECONOMIC ORDER. SPECIFICALLY, HE SUGGESTED ILC BE REQUESTED GIVE PRIORITY TO PREPARING A TEXT ON ECONOMIC RIGHTS AND DUTIES OF STATES. WHILE FAVORABLY ACKNOWLEDGING EXISTENCE OF CHARTER OF ECONOMIC RIGHTS AND DUTIES (CERDS) AND THE RESULTS OF SIXTH AND SEVENTH SPECIAL SESSIONS, HE STATED THAT (A) THEY LEFT MANY IMPORTANT QUESTIONS UNANSWERED AND (B) THEY LACKED LEGAL ENFORCEABILITY.

2. AMONG THE QUESTIONS HE SAID THE ILC SHOULD EXAMINE ARE:

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WHAT ARE OR SHOULD BE THE ACCEPTABLE REGULATIONS ON FOREIGN

INVESTMENTS OR THE ACTIVITIES OF TRANSNATIONAL CORPORATIONS? WHAT IS OR SHOULD BE INTERNATIONAL LAW ON THE NATIONALIZATION OR SOCIALIZATION OF FOREIGN PROPERTIES AND THE COMPENSATION PAYABLE FOR THEM? WHAT ARE THE LEGAL LIMITS, IF ANY, ON THE MARKETING AND PRICING OF RAW MATERIALS AND COMMODITIES? WHAT CONSTITUTES ECONOMIC AGGRESSION? HOW IS THE USE OR THREAT OF ECONOMIC FORCE TO BE DEFINED?

3. ROMULO STATE HIS DEL PREPARED INTRODUCE DRAFT RES REQUESTING ON PRIORITY BASIS ILC BEGIN WORK ON A LEGALLY ENFORCEABLE CONVENTION ON SUBJECT.

4. COMMENT: AFTER ROMULO STATEMENT USDEL SPOKE TO MEXICAN DEL (LOPEZ-BASSOLS) WHO REACTED WITH WHAT APPEARED TO BE GENUINE SURPRISE TO PHILIPPINE PROPOSAL. HE STATED THIS WAS FIRST HE HAD HEARD OF PROPOSAL, AND ADDED, WITHOUT ELABORATION, THAT PROPOSAL WAS NOT IN LINE WITH MEXICO'S THINKING ON SUBJECT.

5. WE MAY CHOOSE TO FIND SOME GOOD IN ROMULO STATEMENT IN THAT IT FORCEFULLY CONFIRMS THAT AT LEAST IN PHILIPPINE EYES CERDS DOES NOT HAVE LEGALLY BINDING CHARACTER.
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